

Appl. No. : 08/942,071
Filed : October 1, 1997

establish reduction to practice prior to the effective date of the reference, or conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice or to the filing of the application (37 C.F.R. § 1.131(b) and M.P.E.P. § 715).

The limitations of sending a command for remotely retrieving or updating system status from a second computer through a remote interface to a first computer; executing the command on a microcontroller in the first computer; and sending a retrieve or update system status signal from the microcontroller to the first computer thereby retrieving or updating the system status, as recited in Claim 1, and the limitations of connecting a remote interface to a first computer and a second computer; providing a retrieving or updating system status command at the second computer directed to the first computer; encapsulating the command in a communications protocol; transmitting the encapsulated command to the remote interface; communicating the command received by the remote interface to the first computer; and performing the command on the first computer, as recited in Claim 7, were conceived at least by November 12, 1996. The limitations of selecting, at a second computer, a component of a first computer to be managed; selecting, at the second computer, a management operation to be performed by the first computer on the selected component; communicating the selected component and selected operation from the second computer to the first computer; and performing the selected operation on the selected component at the first computer, as recited in Claim 14, were also conceived at least by November 12, 1996. Due diligence in reducing the invention to practice either actually or constructively was made until at least May 13, 1997 when the United States Provisional Patent Applications No. 60/046,326 and 60/046,397 were filed, which are priority applications to the present application. Since Giorgio was filed on November 12, 1996, Applicant submits that Giorgio is removed from use as a reference for at least such claim limitations. Since Claims 2-6, 8-13, and 15-16 are dependent on independent Claims 1, 7 and 14, respectively, pursuant to 35 U.S.C. § 112, ¶4, they incorporate by reference all the limitations of the claim to which they refer. Therefore, the rejection of the dependent Claims 2-6, 8-13, and 15-16 has also been overcome.

Therefore, in view of the above, it is submitted that Claims 1-16 are clearly distinguished from the cited art and are patentable.

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New Claims

Applicant has added new Claims 17-37 to further define the unique invention. In particular, new Claims 17-21 are dependent on independent Claim 14, new Claims 22-26 are dependent on independent Claim 1 and new Claims 27-32 are dependent on independent Claim 7. These dependent claims provide further limitations regarding the remote interface and the updating or retrieving operations. New independent Claims 33 and 35 are similar to independent Claims 1 and 7, respectively. The new claims are supported by Figures 1, 2, 12, 13, 14, 17, 18, and 19, and by the text associated with these figures.

Conclusion

By this amendment, Applicant has added new claims. In view of the foregoing amendments and remarks, Applicant respectfully submits that Claims 1-37 of the above-identified application are in condition for allowance. However, if the Examiner finds any further impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Respectfully submitted,

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Dated: 4/7/99

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